

JACKSON LUCAS.

JANUARY 8, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. ANDREWS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 2439.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 2439) granting a pension to Jackson Lucas, late of Company C, Tenth Indiana Volunteer Infantry, having considered the same, respectfully adopt the report of the Senate Committee on Pensions, and recommend the passage of the bill without amendment.

[Senate Report No. 853, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2439) granting a pension to Jackson Lucas, have examined the same, and report:

The bill proposes to pension petitioner at the rate of \$12 per month.

The papers in the case show him to have filed a claim for pension under both laws, and that each of said claims stands rejected upon the ground of no pensionable disability. The claim under the act of June 27, 1890, is based on the disabling effects of disease of lungs, rheumatism, disease of heart, kidneys, and eyes, impaired hearing, and catarrh. He has been four times examined by boards of surgeons, the first reporting no ratable disability, the second six-eighths, and the third no disability; likewise the fourth. In this connection the committee note that in the last report of the Denver board it appears that, although the height of the soldier is stated to be 5 feet 8 inches, his weight is set forth as but 136½ pounds, and that said board say "not disabled for manual labor except by reason of rapid, hypertrophied, and irritable heart. Heart's action during examination, 120 per minute."

In 1892 Dr. T. W. Miles, a practitioner of seventeen years' standing, testified that in his opinion, based upon a personal examination, the claimant was at least one-half disabled; at same time Dr. A. Coleman, sixteen years' practice, testified similarly; in 1894, Dr. A. K. Worthington, eleven years' practice, examined the petitioner and stated: "The claimant is not able to do efficient manual labor." At the same time H. E. Pack, an official of the East Denver Savings Bank, testified to a personal acquaintance with claimant, that he had employed him for errands and like light labor, and said:

"Lucas can not do any work, by reason of these two ailments, other than little jobs, kindling fires, emptying ashes, and the like, and I have observed him for three years past, while doing such little things, break down often. He has, most of the time, lived in an empty store building belonging to the bank and I have seen him nearly every day."

At the same time Dr. S. B. Norton, forty years' practice, testified that in his opinion claimant was not able to do more than one-third of a day's labor. R. E. Waterman testifies similarly to what Mr. Pack has.

It is to be noted that the testimony of the witnesses quoted is at variance with the reports of the examining surgeons, though the last medical examination does not, in the opinion of the committee, show claimant to have been well nourished and entirely free from disease. Mr. Pack's opportunities for observation appear to have been exceptionally good, and the committee believe that a preponderance of the evidence shows that the petitioner is disabled to a degree warranting a rating of \$8 per month under the act of June 27, 1890, and, as vicious habits are not factors in the case, the passage of the bill as hereby amended is recommended.

Amend by striking out, in line 7, the word "twelve," and insert in lieu thereof the word "eight."

